

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of  
VON BORSTEL

Serial No. 09/763,955

Filed: February 28, 2001



Atty. Ref.: LCM-1331-334

TC/A.U.: 1623

Examiner: Patrick T. Lewis

For: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL  
DISEASES

\* \* \* \* \*

September 14, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

As suggested by 37 C.F.R. 1.97, the undersigned attorney brings to the attention of the Patent and Trademark Office the references listed on the attached form PTO/SB/08a which were cited in an Office Action in corresponding European Patent Application No. 99968207.3.

This is not to be construed as a representation that a search has been made or that no better prior art exists, or that a reference is relevant merely because cited.

The Examiner is requested to initial the attached form PTO/SB/08a and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

Pursuant to Rule 37 C.F.R. §1.97(c), a fee of \$180.00 as specified in Rule 17(p) is attached. If there is any shortage in the fee, please charge the deposit account of Nixon & Vanderhye, Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

Leonard C. Mitchard  
Reg. No. 29,009

LCM:iff  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

09/17/2007 JADD01 00000031 09763955

01 FC:1806

180.00 0P

SERIAL NO.

09/763,955

VON BORSTEL

**GROUP**

February 28, 2001

1623

[illegible]

| FOREIGN PATENT DOCUMENTS |  |                 |         |         |       |          | TRANSLATION |    |
|--------------------------|--|-----------------|---------|---------|-------|----------|-------------|----|
| DOCUMENT                 |  |                 | DATE    | COUNTRY | CLASS | SUBCLASS | YES         | NO |
|                          |  | WO 00/06174     | 02/2000 | WO      | ..... | .....    |             |    |
|                          |  | GB 817,877      | 08/1959 | GB      | ..... | .....    |             |    |
|                          |  | WO 97/45127     | 12/1997 | WO      | ..... | .....    |             |    |
|                          |  | EP 0 462 075 A2 | 12/1991 | EP      | ..... | .....    |             |    |
|                          |  |                 |         |         |       |          |             |    |
|                          |  |                 |         |         |       |          |             |    |
|                          |  |                 |         |         |       |          |             |    |

|  |  |
|--|--|
|  | Office Action issued by European Patent Office Communication pursuant to Article 96(2) EPC; European Patent Application No. 99 968 207.3 – 2123 dated 24 August 2007 (6 pgs).  |
|  | Cacabelos, R., et al; “Therapeutic Effects of CDP-Choline in Alzheimer’s Disease Cognition, Brain Mapping, Cerebrovascular Hemodynamics, and Immune Factors”; <i>Annals New York Academy of Sciences; The Neurobiology of Alzheimer’s Disease</i> ; pp.399-403 (1996) XP008065562. |
|  | Pecori, J., et al; “Systemic administration of a neurotrophic drug in the complementary treatment of glaucomatous optic neuropathy”; <i>New Trends in Ophthalmology</i> ; Vol. IX, No. 2; pp. 85-91 (1994) XP008065559.  |
|  |  |
|  |  |
|  |  |

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Initial a this form with next communication to application.